

APPENDIX II

CORRESPONDENCE

November 14, 2001, Letter from Tennessee State Historic Preservation Officer



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2341 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

November 14, 2001

Mr. J. Bennett Graham
Tennessee Valley Authority
Cultural Resources
Post Office Box 1589
Norris, Tennessee 37828-1589

RE: TVA, PHASE I ARCHAEOLOGICAL ASSESSMENT, ASPEN GROVE-BINGHAM 101-KV LINE,
FRANKLIN, WILLIAMSON COUNTY,

Dear Mr. Graham:

At your request, our office has reviewed the above-referenced archaeological survey report in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided, we concur that the project area contains archaeological resources potentially eligible for listing in the National Register of Historic Places. Site 40WM271 should be subjected to Phase II archaeological testing, or avoided by all ground-disturbing activities. In addition, the areas identified within the survey report as having a "moderate to high" potential for the presence of buried archaeological deposits should also either be avoided by all ground-disturbing activities or subjected to mechanical deep testing.

Upon receipt of the Phase II and deep testing reports or construction avoidance strategies, we will complete our review of this undertaking as expeditiously as possible. Please submit a minimum of two copies of each final report and complete Tennessee Site Survey Forms to this office in accordance with the Tennessee Historical Commission Review and Compliance Section Reporting Standards and Guidelines. Until such time as this office has rendered a final comment on this project, your Section 106 obligation under federal law has not been met. Please inform this office if this project is canceled or not funded by the federal agency. Questions and comments may be directed to Jennifer M. Bartlett (615) 741-1668, ext. 17.

Your cooperation is appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Herbert L. Harper".

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/mb

October 29, 2002, Letter from Tennessee State Historic Preservation Officer



October 29, 2002

TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

Mr. J. Bennett Graham
Cultural Resources Program
Post Office Box 1589
Norris, Tennessee, 37828-1589

RE: TVA, ASPEN GROVE-BINGHAM TRANSMISSION, UNINCORPORATED, WILLIAMSON COUNTY

Dear Mr. Graham:

In response to your request, received on Monday, October 21, 2002, we have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process. You may also find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.htm.

Considering available information, we find, after applying the Criteria of Adverse Effect codified at 36 CFR Part 800, that the project as currently proposed will **ADVERSELY AFFECT PROPERTIES THAT ARE ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**. Therefore, this office has an objection to the implementation of this project. You should now, through TVA, inform the Advisory Council on Historic Preservation of this adverse effect determination and begin immediate consultation with our office. Please enclose a copy of this determination in your notification to the Council as delineated at 36 CFR Part 800. Until you have received a final comment on this project from this office and the Council, you have not completed the Section 106 review process. Please direct questions and comments to Joe Garrison (615) 532-1559. We appreciate your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Herbert L. Harper".

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

July 18, 2001, Letter from Harpeth River Watershed Association, Page 1 of 7

tvacoverletter

Page 1 of 2

HARPETH RIVER WATERSHED ASSOCIATION
"Working together to protect and restore to Harpeth River"

July 18, 2001

Kate Jackson, Executive Vice-President
 River Systems, Operations, and Environment
 TVA

Terry Boston, Executive Vice-President
 Transmission and Power Supply
 TVA

Dear Ms. Jackson and Mr. Boston:

I have attached to this cover letter to the attached statement of our concerns regarding the ecological ramifications of the current route under consideration for the proposed Aspen Grove-Bingham 161-kV transmission line. This transmission line is an agenda item on today's TVA board meeting as Category C, Item F1, to seek approval to file condemnation and to acquire easement rights-of-way to survey the corridor.

Though I have spoken briefly to Hugh Barger and Fowler Tucker regarding our concerns when the route was first offered in April, we have submitted the attached statement with the route to them today. While the current route has been designed to address some of the important historic concerns that local groups, landowners, and the city of Franklin have expressed, the HRWA believes that the ecological ramifications of the current proposed route have not been adequately addressed. I have sent this to you prior to the board meeting to inform you that this recent route has clear ecological concerns that could be addressed by TVA internally before effort and money is spent to survey it. An Environmental Assessment along this proposed route will underscore some of the same issues that we have identified from our preliminary field work.

The current proposed 7 mile transmission line corridor includes: 3 crossings of the Harpeth River in 1.5 river miles, 5 crossings of West Harpeth in 2.5 miles, and 1 crossing of Spencer creek, for a total of 9 crossings. In addition, 2 miles of the route runs through the floodplain of the West Harpeth. Based on our recent field survey of the Harpeth River, we found that existing transmission line crossings on the Harpeth River are a significant source of siltation in the water from bank erosion and have eliminated or drastically altered vital streamside vegetation habitat. Thus, the Harpeth River Watershed Association is very concerned that the numerous crossings proposed over such short river segments will lead to further degradation to the already stressed systems of the West Harpeth and Harpeth River.

I have sent this statement and a similar letter to Jim Baker at MTEMC. We are hopeful that we can work with TVA and MTEMC along with other local stakeholders to assess whether a route is actually possible along this corridor through northern Franklin that incorporates all the important ecological, historic, open space, recreational, and aesthetic issues in the area.

Sincerely,

Dorene Bolze
 Executive Director
 (615) 591-9095
 doriebolze@home.com

file://C:\WINDOWS\Temporary Internet Files\OLKD350\tvacoverletter.html



07/18/2001

July 18, 2001, Letter from Harpeth River Watershed Association, Page 2 of 7

tvacoverletter

Page 2 of 2

P.O. BOX 1127 • FRANKLIN, TN • 37065
EMAIL: HARPETHRIVERWA@HOME.COM

file:///C:/WINDOWS/Temporary Internet Files/OLKD350/tvacoverletter.html



07/18/2001

July 18, 2001, Letter from Harpeth River Watershed Association, Page 3 of 7

HARPETH RIVER WATERSHED ASSOCIATION

Proposed Aspen Grove-Bingham 161-kV Transmission Line in Williamson County

Statement of Concern

on

Ecological Degradation to West Harpeth and Harpeth River

July 18, 2001

Summary: The current proposed 7 mile transmission line corridor includes: 3 crossings of the Harpeth River in 1.5 river miles, 5 crossings of West Harpeth in 2.5 miles, and 1 crossing of Spencer creek, for a total of 9 crossings. Existing transmission line crossings on the Harpeth River are a significant source of siltation in the water from bank erosion and have eliminated or drastically altered vital streamside vegetation habitat. The Harpeth River Watershed Association (HRWA) is very concerned that the numerous crossings over such short river segments and that the path of the route along the West Harpeth floodplain will lead to further degradation to the already stressed systems of the West Harpeth and Harpeth River. The HRWA believes that the ecological ramifications of the current proposed route have not been adequately addressed. We encourage TVA and MTEMC to work with the local stakeholders to assess whether a route is actually possible along this corridor through northern Franklin that incorporates all the important ecological, historic, open space, recreational, and aesthetic issues in the area.

Background:

Middle Tennessee Electric Membership Corporation (MTEMC) has proposed several options for upgrading distribution systems to service the western part of Franklin, TN, and neighboring areas in Williamson County based on current demand and assumptions on projected growth. In 1999, MTEMC proposed building a new substation in the western region of Franklin, TN (the Bingham substation) and linking it to the Aspen-Grove substation in Cool Springs with this proposed TVA high voltage transmission line. This proposal means that a new, 7-mile, transmission line requiring on average a 100-foot wide right-of-way would cut across the northern region of Franklin, TN along MacHatcher Parkway, across the Harpeth River, along the floodplain and across the West Harpeth, across gateway entrances into historic Franklin, and nearby or through numerous historic properties and archeological sites. In November 2000, the city of Franklin issued a resolution opposing the TVA high-voltage transmission line along this corridor through northern Franklin.

The Heritage Foundation, city officials, landowners, and others have expressed legitimate concerns regarding the aesthetic impact on historic resources, especially the portion of the route that TVA proposed along Highway 96W. As a result, the portion that was along Highway 96W is now proposed to run through the floodplain of the West Harpeth, crossing the river five times within 2.5 river miles. The proposed route also crosses the Harpeth River two times within 1.5 river miles along a stretch that is scenic and used recreationally. The ecological ramifications from increased erosion, increased sedimentation, and habitat alterations from canopy tree removal along the streambanks are a major concern with this proposed route.

②

July 18, 2001, Letter from Harpeth River Watershed Association, Page 4 of 7

- 2 -

Biological Ramifications-Degradation to West Harpeth and Harpeth River High Risk

The proposed route will affect 3 waterways with a total of nine crossings. Of most concern are the crossings close together on the Harpeth River, and the five crossings and corridor along the flood plain of the West Harpeth river. All three waterways are already stressed with siltation that is coming from stormwater runoff with expanding development in the area and from agricultural practices. Sedimentation covers up the streambed habitats, filling crevices used by invertebrates and insects that are food for fish, and covering fish nesting areas. Biologically, these stresses alter species diversity in the streams as sensitive species are eliminated and more tolerant species increase. Sediment can also be rich in fertilizer and other sources of nutrients that foster algal growth that can dramatically reduce oxygen in the water, especially during low flow conditions. This section of the Harpeth River is also heavily influenced by the effluent from the city of Franklin's sewage treatment plant and suffers from low oxygen levels because of algal growth.

The Harpeth River Watershed Association (HRWA) began a preliminary environmental assessment of the proposed transmission line route on along the West Harpeth in June. The HRWA also just completed a visual survey of sedimentation problems and habitat quality along the entire length of the Harpeth River. Based on this work, we are very concerned with the number of river crossings. Current transmission line crossings across the Harpeth River were found in our survey to be the sites of the worst bank erosion areas along the river, as illustrated below in Figure 1. At such sites, huge chunks of the bank the size of automobiles were falling into the river. Exposed banks are a major source of sedimentation. It appears that transmission lines in this area are handled with drastic vegetation removal programs up to the water's edge, along with the heavy use of herbicides, both of which contribute silt and chemical pollutants to the water. Clearing the streamside vegetation also eliminates shade that protects the river from high water temperatures that contribute to water quality degradation.



LOC. ERM 1127 • FRANKLIN, TN • 12/24/01
TWALD - HARPETH RIVER WATERSHED ASSOCIATION

July 18, 2001, Letter from Harpeth River Watershed Association, Page 5 of 7

- 2 -

Figure 1: Transmission line crossing of Harpeth River just north of Old Hillsboro Road in May 2001. Exposed banks are eroding and are source of sediment in the Harpeth River. ©Mike Walton.

A transmission line corridor requires vegetation management to keep trees below the lowest point in the line across the width of the corridor, 100 feet for this proposed route. According to MTEMC, the height will be as low as 30 feet. This will require the removal of the canopy trees for any wooded habitat that the corridor crosses. Both the West Harpeth and Harpeth have mature canopy riparian corridors along the banks; thus, each crossing could entail clearing a 100-foot swath in this canopy. In addition, the proposed route would cut through a section of wooded wetland habitat that occurs in the West Harpeth floodplain and cut through numerous hedgerow habitats.

All streams and river segments proposed to be crossed by this transmission line have been identified as impaired by TDEC under section 305 of the federal Clean Water Act and are on the 303(d) List that is compiled by TDEC based on regular assessments. All streams and lakes on the 303(d) List are considered "water quality limited" and in need of additional pollution controls. Once a stream has been placed on the 303(d) List, it is considered a priority for water quality improvement efforts.

Both the 303(d) list and recent 305(b) report are available on the TDEC web site. However, the best way to visualize all the streams in the Harpeth River watershed on the 303(d) List is to look at the watershed map produced by the Cumberland River Compact and partially funded by the HRWA. These are available upon request.

The proposed transmission line route will add further sediment loading and entail loss of important riparian habitat to all these stressed river and stream segments that already have been identified by TDEC as priority areas for restoration. The HRWA has already begun working with landowners along this segment of the West Harpeth to identify opportunities to stabilize streambanks and encourage native habitats in the riparian zone and floodplain. Also, the HRWA has just received a grant from the TN Department of Agriculture's Nonpoint Source Program to survey all the 303(d) listed streams in the entire watershed in order identify priorities for reducing stresses and improve habitat integrity. This proposed transmission line route could significantly reduce these efforts and those of other groups to restore the West Harpeth and Harpeth River in and around Franklin.

- a) **West Harpeth**— The entire length of the West Harpeth and some of its tributaries are on the 303(d) List because of siltation problems from pasture grazing in the riparian zone, upland, and because of "livestock in streams," according to the latest TDEC report, *The Status of Water Quality in Tennessee Year 2000 305(b) Report*. Along the 2.5-mile segment of relevance to the proposed transmission line corridor, much of the streambank supports a riparian zone with mature tree canopy, though it is not wide. In one ¼ mile segment where the line is proposed to span a bend in the river and make two crossings, much of the mature tree canopy was lost two years ago during a straight-line storm. Removing the remaining canopy over the river for the crossings would expose much of the river in this section to direct sunlight. Degrading the water quality, especially by increasing algal growth and reduced oxygen levels, will affect the Harpeth River which receives the water from the West

2

July 18, 2001, Letter from Harpeth River Watershed Association, Page 6 of 7

- 3 -

Harpeth about 2 miles downstream. The water from the West Harpeth currently provides needed oxygen and dilution to the main Harpeth to ameliorate the stress from nutrient laden algal growth that can drive oxygen levels down low in the summer conditions.

- b) **Harpeth River**— The segment of the Harpeth River from its headwaters to the confluence with the West Harpeth is listed on the 303(d) List because of siltation, loss of riparian habitat and other habitat alterations. All these problems stem from development and stormwater runoff as well as from agricultural practices that were described above for the West Harpeth. In addition, the section of the Harpeth downstream of Spencer Creek where the effluent enters from the sewage treatment plant until the confluence with the West Harpeth is impaired because of stormwater runoff and nutrient enrichment and low oxygen levels in the water. The two new transmission line river crossings within 1.5 miles of each other will cut across a bend in the river just after it flows under Hillsboro Road. Based on the HRWA visual assessment survey, these line crossings will remove riparian habitat with mature tree canopy. This will increase sedimentation as these denuded banks are affected by high flows during storms, and remove important shade cover. This stretch of the river is used recreationally for canoeing. Transmission line crossings will add a further challenge to developing the Total Daily Maximum Load implementation plan required under the Clean Water Act for the Harpeth River to address all sources for nutrient enrichment and low dissolved oxygen. This TMDL is under development by the EPA.

Recommendations:

1. This proposed route for the transmission line does not appear to reflect much consideration for ecological issues involved in this corridor across the northern area of Franklin, TN. Before surveying this proposed route, we recommend that TVA's transmission and power supply division contact the environment division to review the proposed route. We believe that the number of crossings over such short river segments would be identified as a problem for water quality and stream habitat integrity without having to even go on site.
2. Before further work is done by TVA on this proposed route to survey and conduct environmental assessments, the HRWA is willing to work with TVA and MTEMC and all other stakeholders to assess whether there is a possible route across the northern area of Franklin that addresses all the issues comprehensively: protection of ecological integrity, historic resources, archeological resources, open space, recreational uses, and aesthetic values. The HRWA recognizes the challenge in siting transmission lines, especially in a developing area like Franklin, and is willing to work closely with all interested parties on whether a corridor exists across northern Franklin to balance all these values. However, concerns with this proposed corridor does not mean that the HRWA supports a particular route at this time or supports the current assertions that such a transmission line and proposed substation are the best approaches to addressing electrical load needs in the area.
3. Because of the many issues involved in this corridor across northern Franklin, it appears that TVA and MTEMC need to evaluate other options besides the proposed substation and high voltage transmission line. The HRWA is willing to work with TVA, MTEMC, and

6

July 18, 2001, Letter from Harpeth River Watershed Association, Page 7 of 7

- 4 -

energy experts on ways to integrate programs to reduce peak load demand, plan for power supply, and upgrade distribution systems that could also be applied to other areas in the 870 square-mile Harpeth River watershed.

4. If TVA feels compelled to continue to the next step in the process with this proposed route, the cumulative effects of all these crossings over such short river segments must be assessed in the Environmental Assessment that is performed for any proposed route, especially since all three waterways that the transmission line is currently proposed to cross are interconnected.

Contact:

Dorene Bolze

Executive Director

Harpeth River Watershed Association

(615) 591-9095

Error! Bookmark not defined.

The mission of the Harpeth River Watershed Association mission is to protect and restore the Harpeth River. Only two years old, the HRWA is committed to re-building and maintaining the ecological integrity of the watershed amidst the various human uses of the landscape. We are doing this by forging partnerships in order to provide information, training, and programs that enable homeowners, landowners, farmers, families, businesses, researchers, government agencies, and elected officials to directly enhance areas of the Harpeth River watershed.

February 6, 2002, Letter from Harpeth River Watershed Association, Page 1 of 3

HARPETH RIVER WATERSHED ASSOCIATION

2002 FEB -6 P 3:37

February 6, 2002

GLENN L MCCULLOUGH, JR.
CHAIRMAN

Board of Directors
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, TN 37902

Re: Proposed TVA 161-kV Transmission Line in Franklin, TN/Follow-up request for information

Dear Chairman McCullough and Directors Harris and Baxter:

As you know, at the September 2001 TVA board meeting, I presented to the Board of Directors a set of requests for information in order for Synapse Energy Economics to conduct their independent assessment of engineering and distribution system options and energy efficiency options related to the proposed TVA transmission line and proposed substation by MTEMCO in the Franklin, TN area. Synapse Energy Economics is conducting this assessment for the Harpeth River Watershed Association and Southern Alliance for Clean Energy with funds from the city of Franklin, Williamson County, and several private donors. This assessment is part of a community-wide collaborative effort to address how best to service the growing electrical demand in this region that incorporates up front the important ecological, agricultural, historic, and aesthetic resources.

We appreciate your response in November to our request for information. As you may know from communications with MTEMCO, we have worked with them as well in providing two sets of information requests and have had a conference call with both your staff and MTEMCO on separate occasions to discuss this assessment.

Based on TVA's response in November and a quick review of the information provided recently by MTEMCO, we have attached a follow-up set of information requests. This list of questions is attached. We would like to note that this request is for actual documents and data. MTEMCO, for example, just provided a computer run of their FY 2002 load growth study. We would hope that documents could be provided within 2 weeks so that the initial review of the data can be done.

We believe that this assessment is integral to the Environmental Assessment TVA is conducting of the proposed transmission line and proposed substation. The board's letter in November indicates that this review will be available for public input this summer. We strongly believe the assessment by Synapse Energy Economics needs to be incorporated into the EA process prior to the issuance of an EA. Thus, it appears appropriate for TVA to adjust the EA timing to accommodate the short time needed for Synapse to conduct their assessment that can be started as soon as they receive the data requested.

We would very much like to work with TVA and MTEMCO in a collaborative manner on this assessment and the EA. As before, please provide the requested information directly to Steve Smith at the address below and he will forward it to David Schlissel at Synapse Energy Economics and to me.

February 6, 2002, Letter from Harpeth River Watershed Association, Page 2 of 3

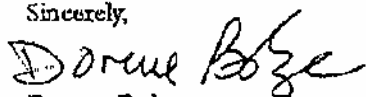
- 2 -

February 6, 2002

Steve Smith
Executive Director
Southern Alliance for Clean Energy
P.O. Box 1842
Knoxville, TN 37901
(865) 637-6055
ssmith@cleanenergy.org

Please do not hesitate to contact me or Steve Smith regarding how we can help expedite this data gathering process.

Sincerely,



Dorene Bolze
Executive Director
(615) 591-9095
DorieBolze@home.com

CC: Ike Zeringue
Kate Jackson
Terry Boston
David Hall

February 6, 2002, Letter from Harpeth River Watershed Association, Page 3 of 3

Follow-Up Requests to TVA

1. Reference TVA's November 5, 2001 response to Question No. 1 in Ms. Bolze's requests for information:
 - a. Provide copies of the load flow or system stability studies or analyses or other TVA documentation that form the basis for the statement that "TVA's assessment of the reliability and adequacy in the Franklin and Williamson County areas shows that considerable risks currently exist in which the loss of a single line could result in significant outages in the middle Tennessee area."
 - b. Provide a copy of the "[TVA] assessment of the reliability and adequacy in the Franklin and Williamson County areas" referenced in the quote in the part a. of this request.
 - c. Provide copies of the load flow or system stability studies or analyses or other TVA documentation that form the basis for the conclusion that the proposed 161-kV transmission line from Aspen Grove to Bingham will help reduce or alleviate the risks in the Franklin and Williamson County areas cited in the quote in part a. of this request.
2. Reference TVA's November 5, 2001 response to Question No. 2 in Ms. Bolze's requests for information. Provide copies of the load flow or system stability studies or analyses or other TVA documentation that form the basis for the conclusion that the adequacy of the supply in the area of Franklin and Williamson Counties will require the construction of a third 161-kV transmission line to the region.
3. Reference TVA's November 5, 2001 response to Question No. 3 in Ms. Bolze's requests for information. Provide copies of the projections of the growth rates for Franklin and Williamson Counties, and any supporting documents, that TVA has received from MTEMC since January 1, 1999.
4. Reference TVA's November 5, 2001 response to Question No. 4 in Ms. Bolze's requests for information. MTEMC has said that the referenced April 1999 power supply study was the "input to a one owner study for Bingham Substation" that they believe that TVA was conducting. Please provide copies of all TVA studies, analyses, assessments, or documentation that relied on the input provided by MTEMC in that April 1999 power supply study.
5. We understand from our telephone discussion with TVA personnel that TVA prepares annual assessments of transmission reliability and/or adequacy. Please provide the most recent two such assessments prepared by or for TVA.
6. Please provide three copies of maps that show the current and proposed TVA transmission system in the region and the current and proposed distribution system of MTEMC for Williamson County.

TVA's February 25, 2002, response to the February 6, 2002, Letter from Harpeth River Watershed Association, Page 1 of 2

February 25, 2002

Mrs. Dorene Bolze
Executive Director
Harpeth River Watershed Association
Post Office Box 1127
Franklin, Tennessee 37065

Dear Ms. Bolze:

Thank you for your February 6 letter to TVA's Board of Directors regarding TVA's proposed 161-kV transmission line in the Franklin, Tennessee, area. I trust that the information provided by TVA and Middle Tennessee Electric Membership Cooperative as referenced in your letter has been helpful to you.

You attached a list of follow-up questions with instructions to forward the requested information directly to Dr. Stephen Smith, Southern Alliance for Clean Energy. This information was sent by letter from John Shipp to Dr. Smith on February 22.

We understand and have been as responsive as we can be to your request for actual documents and data. However, some of the documents you have requested cannot be released. In particular, our annual transmission assessment consists of extremely sensitive information which, for power system security reasons, TVA considers to be confidential. This information cannot be released and, in fact, would not be released through the Freedom of Information Act.

Please do not hesitate to contact Mr. Shipp regarding the information that has been provided. Mr. Shipp can be reached at telephone 423-751-3742. I understand that he has offered to arrange another teleconference or meeting with the appropriate TVA staff if that would be helpful to you.

Very truly yours,

WDB

Terry Boston

cc: See page 2

TVA's February 25, 2002, response to the February 6, 2002, Letter from Harpeth River Watershed Association, Page 2 of 2

Mrs. Dorene Bolze

Page 2

February 25, 2002

cc: Mr. James O. Baker, President
The Middle Tennessee Electric Membership Corporation
555 New Salem Road
Murfreesboro, Tennessee 37129

Dr. Stephen A. Smith, Executive Director
Southern Alliance for Clean Energy
Post Office Box 1842
Knoxville, Tennessee 37901

June 25, 2002, Letter from Williamson County Clerk, Page 1 of 4



WILLIAMSON COUNTY
Elaine Anderson
County Clerk
P.O. Box 624
Franklin, Tennessee 37065-0624

June 25, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Directors
Tennessee Valley Authority
1101 Market Street MR4G
Chattanooga, Tennessee 37042-2801

Attention: Elbert Fowler Tucker, Chief Executive Officer

RE: Environmental Impact Statement

Dear Board of Directors:

On June 10, 2002, the Williamson County Board of Commissioners adopted at its regular session the enclosed Resolution No. 6-02-24, RESOLUTION OF THE WILLIAMSON COUNTY COMMISSION CALLING FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR ALL PLANNED ELECTRICAL INFRASTRUCTURE OUT TO 2020, INCLUDING THE PROPOSED HIGH VOLTAGE LINE FROM ASPEN GROVE TO THE PROPOSED BINGHAM STATION (certified copy enclosed).

The Williamson County Board of Commissioners are requesting the Tennessee Valley Authority Board of Directors to take into consideration the purposes set out in Resolution No. 6-02-24, at the next Board of Directors meeting.

Your consideration in this matter will be greatly appreciated.

Sincerely,

Elaine Anderson
Elaine Anderson
County Clerk

EA/mw

Enclosures

xc: Jim Baker, President - MTEMCO (55 New Salem Road, Murfreesboro, TN 37129)
Dan Florida, Franklin District Manager-MTEMCO (2156 Edward Curd Lane, Franklin, TN 37066)

June 25, 2002, Letter from Williamson County Clerk, Page 2 of 4

STATE OF TENNESSEE, WILLIAMSON COUNTY	
I, Elaine Anderson, County Clerk of Williamson County, do hereby certify that the foregoing is a true and perfect	
copy of resolution:	<u>RESOLUTION OF THE WILLIAMSON COUNTY COMMISSION CALLING FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR ALL PLANNED ELECTRICAL INFRASTRUCTURE OUT TO 2020, INCLUDING THE PROPOSED HIGH VOLTAGE LINE FROM ASPEN GROVE TO THE PROPOSED BINGHAM STATION</u>
as the same appears of record in <u>Minute Book No. 21</u> Page <u> </u> on file in my office at Franklin.	
Witness my hand and seal, at office, this <u>25th</u> day of <u>June</u> , 2002.	
	<u>Elaine Anderson</u> Clerk
	BY <u>Martha L. Dodson</u> D.C.

June 25, 2002, Letter from Williamson County Clerk, Page 3 of 4

FILED 5/24/02
 ENTERED 12:50 P.M.
 CLARK COUNTY CLERK EJA

Resolution No. 6-02-24

**RESOLUTION OF THE WILLIAMSON COUNTY COMMISSION CALLING
 FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR ALL PLANNED
 ELECTRICAL INFRASTRUCTURE OUT TO 2020, INCLUDING THE
 PROPOSED HIGH VOLTAGE LINE FROM ASPEN GROVE TO THE
PROPOSED BINGHAM STATION**

WHEREAS, a proposed seven-mile Tennessee Valley Authority (TVA) 161-kV transmission line across northern Franklin to connect the Aspen Grove substation to a proposed new substation, called Bingham, by Middle Tennessee Electric Membership Corporation (MTEMC) has generated a large amount of concern for important historic, aesthetic, and environmental reasons; and,

WHEREAS, both the Williamson County Commission and the City of Franklin have passed resolutions that have been sent to TVA opposing the routing of this proposed TVA transmission line; and,

WHEREAS, the TVA and MTEMC are currently planning at least five (5) additional new substations and association transmission lines in Williamson County; and,

WHEREAS, the Williamson County Commission is concerned that it has not had meaningful input in the planning, nor is well informed, of the electrical infrastructure development by TVA and MTEMC; and,

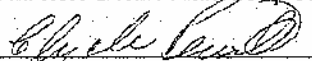
WHEREAS, the Williamson County Commission would like to work with TVA, MTEMC, the City of Franklin and others on a public planning process for electrical infrastructure growth in order to minimize the negative impacts on our county's historic, environmental and aesthetic character; and,

WHEREAS, TVA and MTEMC have yet to adequately explain how they have come to their conclusions and decision making; and,

WHEREAS, the Williamson County Commission does not believe that an Environmental Assessment of the proposed transmission line route, with potential findings of "no significant impact" gives a sufficient level of review to such an important decision;

NOW, THEREFORE, BE IT RESOLVED, that the Williamson County Board of Commissioners, meeting in regular session this the 10th day of June, 2002, hereby requests the TVA to conduct an Environmental Impact Statement (EIS) on all the potential infrastructure growth in the County and not elevate one piece at a time as the current Environmental Assessment process does. This EIS should also include and look at all possible alternatives, including a clear comparison of energy efficient alternatives; and,

BE IT FURTHER RESOLVED, that the County Clerk is directed to transmit a certified copy of this resolution to the Board of Directors for both Tennessee Valley Authority and Middle Tennessee Electric Membership Corporation.


 Clyde Pewitt - County Commissioner


 Stan Tyson - County Commissioner

June 25, 2002, Letter from Williamson County Clerk, Page 4 of 4

Resolution No. 6-02=24, continued

COMMITTEES REFERRED TO & ACTION TAKEN:

Property Committee For 6 Against 0
Public Health Committee For 5 Against 0
Commission Action Taken: For 24 Against 0 Pass 0 Out 0

Elaine Anderson
Elaine Anderson County Clerk

Rogers C. Anderson
Rogers C. Anderson, Commission Chairman

Clint Callicott
Clint Callicott, County Executive

6/20/02
Date

(dg/TVALineImpactStudy)

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 1 of 8

October 28, 2002

RECEIVED

11/6 12:46
2002 NOV 11 P 1:06

GLENN L. MCCOLLUM, JR.
CHAIRMAN

Board of Directors
Tennessee Valley Authority
400 W. Summit Hill Dr.
Knoxville, Tennessee 37902-1499

Re: Aspen Grove-Bingham Transmission Line Project, Franklin, Williamson County,
Tennessee

Ladies and Gentlemen:

As you know, the Tennessee Valley Authority ("TVA") has received a number of communications concerning the proposed Aspen Grove-Bingham Transmission Line Project (the "Project"). These communications have addressed a number of factors associated with the Project, including, among others:

- the environmental impact of the placement of the transmission line and the appropriate level of environmental analysis associated with the Project;
- the need for increased efficiency using current resources rather than increased capacity;
- the overall plan for electrical infrastructure within Franklin and Williamson County; and
- the intrusion of the transmission line over scenic gateways, historic properties, unspoiled farmland and floodplain and riverbank sites.

In addition to a significant amount of concern expressed by private citizens, both the Board of Mayor and Aldermen of the City of Franklin and the Williamson County Board of Commissioners have adopted resolutions addressed to TVA and the Middle Tennessee Electric Membership Corporation ("MTEMC"). The resolutions call for a public planning process to address utilities within Williamson County and, specifically, an environmental impact statement level of study for potential electrical infrastructure within Williamson County.

By letter dated August 2, 2001, MTEMC itself wrote to TVA, noting that an environmental impact statement on the Project was "inevitable" based on the number of sensitive river system crossings involved, the impaired status of the Harpeth and West Harpeth Rivers and the availability of other "less environmentally sensitive" routes. In light of the delay to the Project resulting from an environmental assessment followed by an environmental impact statement, MTEMC recommended that the current environmental assessment process be bypassed and that preparation of an environmental impact statement be initiated.

232249

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 2 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 2

The complexity of this issue is perhaps best revealed by the uncertainty shown by TVA in identifying its proposed action. A number of "proposed routes" have been adopted and modified and the timeline for completion of the environmental assessment currently underway has been extended on multiple occasions. Most recently, we understand that an additional route has been proposed for the Project and that the environmental assessment is not expected to be available until early 2003.

All parties recognize that additional growth will occur in Franklin and Williamson County, although the amount and patterns of growth may differ significantly from the projections assumed for the Project. All parties also recognize the need to provide the electric needs of residents and businesses within Williamson County in a way that is safe, reliable and efficient.

These recognized needs have led these parties to urge TVA to initiate an environmental impact statement process with appropriate scoping. To date, however, TVA has persisted in preparation of an environmental assessment. This letter will provide the basis for our view that, in the event an environmental assessment of the Project leads to a Finding of No Significant Impact, such a finding and process would be legally deficient and subject to legal challenge. As a result, we renew our call for an environmental impact statement to be prepared on the Project.

1. **Applicable Legal Requirements for Environmental Analysis**

As you know, the National Environmental Policy Act ("NEPA"), 42 U.S.C. 4321, *et seq.* (1976) established requirements for environmental assessment to be followed by agencies of the federal government. The Council on Environmental Quality ("CEQ") has adopted regulations applicable to the NEPA process at 40 CFR, parts 1500 - 1508 (collectively, the "CEQ Regulations"), part of which require that agencies adopt procedures to implement NEPA and the CEQ regulations.

TVA has adopted procedures implementing NEPA and the CEQ regulations (45 FR 54511, as amended by 48 FR 19264) (collectively, the "TVA Guidelines") and is obligated to follow those guidelines in its decision making processes.

2. **Summary of Required Analysis Process**

As early as possible, the TVA office proposing to initiate an action will initially determine the environmental review required for a specific analysis. That office may determine that the action is categorically excluded as an action that normally does not have, either individually or cumulatively, a significant impact on the quality of the human environment and requires neither the preparation of an environmental assessment ("EA") or an environmental impact statement ("EIS"). TVA Guidelines, Section 5.2.

Alternatively, the office may determine that an EA is appropriate if the action is not categorically excluded to determine whether an EIS will be necessary. If so, the office may request public involvement in the preparation of the EA "as appropriate to best facilitate timely and meaningful public input to the EA process." TVA Guidelines Section 5.3.2.

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 3 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 3

The EA will then determine whether an EIS is necessary or a Finding of No Significant Impact ("FONSI") can be reached, with appropriate notice to the public. In some cases TVA will make the FONSI available for public review and comment before a final determination is made. These cases include, among others, those where the proposed action is similar to actions that require EIS preparation. TVA Guidelines Section 5.3.4(1).

In addition to those EA's that do not conclude with a FONSI, an EIS is required for the actions specified in Section 5.4.1 of the TVA Guidelines, including:

"4. Any major action, the environmental impact of which is expected to be highly controversial";

and

"5. Any other major action which will have a significant effect on the quality of the human environment."

The EIS process includes scoping, consideration of alternatives, preparation of a draft and final EIS, public comment and preparation of a record of decision.

In addition to the above, analysis of an action that potentially may affect floodplains or wetlands shall include a floodplain or wetlands evaluation as required by Section 5.7 of the TVA Guidelines. Of significance, "if at any time prior to commencement of the action it is determined that there is a practicable alternative that will avoid affecting floodplains or wetlands, the proposed action shall not proceed." TVA Guidelines Section 5.7.2.2. Actions affecting floodplains or wetlands also require additional notice and public comments provisions.

3. **Deficiencies of a Finding of No Significant Impact for the Project.**

If TVA were to determine that the EA currently underway for the project resulted in a FONSI, significant legal deficiencies would be present. This letter in no way attempts to exhaustively list or describe those deficiencies, but we believe any EA resulting in a FONSI would be deficient in the following respects:

(a) **The Environmental Assessment Would Fail to Conclude that an Environmental Impact Statement Is Required.**

As previously described, the TVA Guidelines require an EIS for major actions the environmental impacts of which are controversial or that will have a significant impact on the environment. The Project, as described, will have both controversial and significant environmental impacts.

(i) **Major Action.**

The CEQ Regulations define a "major Federal action" as those actions "with effects that may be major" where the term "major" reinforces but does not have a meaning independent of

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 4 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 4

"significantly." CEQ Regulations Section 1508.18. Thus, the significance of the Project in part determines whether the Project is "major."

(ii) **Significance of the Project.**

The term "significantly" includes considerations of context and intensity. CEQ Regulations Section 1508.27. The context of the Project as a site-specific action is clearly dependent on the effects on the local area into which the Project is to be inserted, but also must be considered in the context of its impact on future electrical infrastructure decisions that will effect at least Williamson County.

The CEQ Regulations require that severity considerations include adverse impacts on the unique characteristics of the area, including prime farmlands, wetlands and scenic rivers, all of which are located in the proposed route for the Project. In addition, severity includes whether the effects on the quality of the human environment are likely to be highly controversial, whether the action may represent a decision in principle about a future consideration and whether the action is one of a number of actions that are individually insignificant but cumulatively significant.

Rather than an isolated action pertaining only to the line from Aspen Grove to the Bingham substation, the Project is an integral step in development of an electric infrastructure that will serve the entire county. Those considerations were at the core of the request by the Franklin and Williamson County governments for overall and coordinated planning of electric supply infrastructure. Consequently, the decision on the Project represents a decision in principle about future considerations and one of a number of infrastructure decisions that must be reviewed cumulatively.

Taken together, the context and severity of the environmental impacts attributable to the Project require an EIS.

(iii) **Controversial Environmental Impacts**

The TVA Guidelines appropriately establish the controversial nature of the environmental impacts as a separate basis for requiring an EIS, although this issue also goes to the severity of the impacts. We have previously alluded to the requests for an EIS by both local government entities and the local electric utility. Significant community interest and concern is present, as evidenced by the attendance at public presentations concerning the Project offered by TVA.

Overwhelming consensus exists among responsible and diverse parties that the Project holds the potential for significant environmental impact. Consequently, an EIS is required pursuant to TVA Guideline 5.4.1(4).

(b) **The Project Represents a Splitting of a Major Action With Significant Impact to the Environment, or Fails to Consider the Cumulative Effect of the Action**

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 5 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 5

The Project is the only current action being considered to provide electric resources to Williamson County, but others are inevitable. TVA itself believes that considerable growth will occur in Williamson County and that additional electrical facilities will be needed. The Project is necessarily a portion of a grid that will ultimately serve that new growth, the effects of which will have a cumulative impact, defined by the CEQ Regulations as the incremental effect of the current action when added to other "reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions." Section 1508.7.

Rather than a series of incremental decisions, each of which may be determined insignificant, the planning for electrical facilities should consist of an overall plan

(c) **The Environmental Assessment Will Be Based on Faulty Assumptions Concerning Growth.**

The Project is based on projections of significant growth in western Williamson County. Those projections have become more straightforward with adoption of the Urban Growth Boundary plan for Williamson County, as required by Public Chapter 1101. The plan adopts specific areas for urban growth of municipalities and planned growth areas within the county.

Notably, the area west and south of the Project does not fall into any growth area and is therefore designated as rural. According to Tennessee law, rural property is territory "that, over the next twenty (20) years, is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial or residential development." T.C.A. § 6-58-106(c)(1)(C). Environmental analysis of the Project that assumes significant growth in the rural areas therefore runs contrary to the dictates of Tennessee law. Overall planning should instead focus on the urban growth and planned growth areas as the areas of likely growth for the next twenty years.

If the basis for the action, and rejection of a "no action" alternative is significant growth in the rural area adjacent to the Bingham substation, or in those areas surrounding projected Highway 840 (as MTEMC projects), those assumptions are faulty.

(d) **The Environmental Assessment Will Fail to Properly Consider the No Action Alternative.**

TVA and MTEMC have been given information that establishes a significant potential reduction in electrical demand in Williamson County by the incorporation of energy efficient strategies and alternative solutions. A study titled The Energy Efficiency Potential in Williamson County, Tennessee dated April 4, 2002 and prepared by Synapse Energy Economics, Inc. (the "Efficiency Study") has been prepared at the request of and funded by public and private interests in Williamson County and has been previously provided to TVA and MTEMC

The Efficiency Study, based on data made available by MTEMC, found that electricity demand in Williamson County could be reduced by at least 13.9 percent and as much as 23 percent from current projections over the next ten years and even more in the twenty year projection. While these reductions are dependent on TVA and MTEMC cooperation and even

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 6 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 6

leadership, reductions in demand must necessarily alter the projected need and placement of transmission infrastructure.

Any proposed action must include an assessment of the need for the Project, including alternatives to the proposed action. If the EA is based on electricity demands based on current practices, the no action alternative to the Project will not be provided sufficient analysis.

(e) **The Environmental Assessment Will Not Give Sufficient Attention to Wetlands and Floodplains.**

Significant floodplain, wetlands and scenic river watersheds will be impacted by the Project. Attached as Exhibit A to this letter is a Statement of Concern concerning the Ecological Degradation to West Harpeth and Harpeth Rivers associated with the Project dated July 18, 2001 and prepared by the Harpeth River Watershed Association. The Statement of Concern provides significant specific information on the potential damage to floodplain areas in the West Harpeth corridor and other waterways in Williamson County. Similar concerns are present for wetland resources within the area impacted by the Project.

The TVA Guidelines require a consideration of other practicable alternatives of actions that affect floodplains and wetlands. A failure to consider alternative routes, the use of energy efficient alternatives or overall planning for the county that would not entail these impacts would be a deficiency of the EA.

(f) **The Public Involvement in the Environmental Assessment Process Has Suffered from Inconsistent Information and Contradictory Descriptions of the Project.**

TVA has commendably and appropriately determined that significant public involvement in the EA process is necessary. Unfortunately, the information provided to the public has been contradictory and inconsistent, detracting from the effectiveness of the public involvement. Unless the public is given reliable and consistent information, TVA's efforts would fail to "facilitate timely and meaningful public input to the EA process." TVA Guidelines Section 5.3.2.

Proposed routes that have been presented at various public meetings and to a number of private individuals have differed significantly from time to time. In addition, the rationale and justification of the need for the Project have been inconsistently presented. As a result, the public involvement has been reacting to a number of descriptions of the proposed action and has had difficulty providing specific input to whatever form and route the Project may take.

Although the various statements of the Project including the route selection may reflect TVA's responsiveness to expressed concern, an uncharitable view would conclude that the TVA was unclear in its proposed action or even purposely confusing those who have expressed concern over the Project. While no such suggestion is made here, the public process has failed to clearly communicate the proposed action for the Project. As a result, TVA's goal of "meaningful public input" will necessarily be frustrated.

October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 7 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 7

(g) **The Environmental Assessment Fails to Properly Consider Indirect Effects of the Action.**

The EA is obligated to consider not only the immediate, direct effects of the Project, but also indirect effects. Those indirect effects include "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate." CEQ Regulations 1508.8(b). Given the rural nature of the area to be affected by the Project, these "induced changes" may be the most environmentally significant aspect of the Project.

These concerns lay at the heart of the requests by local governments, including the City of Franklin and Williamson County, for comprehensive planning, to include utility infrastructure. These governments are currently and conscientiously working to develop land use plans for this area. Rather than consult with these governments and be educated as to likely and beneficial growth patterns, however, TVA and MTEMC are apparently electing to develop infrastructure with indifference to the significant and probable indirect effects of the Project.

While unwise at best, this course also violates the requirement for consideration of indirect impacts required by federal regulations.

4. **Summary.**

For the reasons set forth above, we believe that federal law and regulations, including those of the TVA itself, require that an environmental impact analysis be conducted prior to any decision on the implementation of the Project. More significantly, however, we believe the Project's scope should be appropriately broadened to an overall plan of the electrical infrastructure needs of Williamson County for at least the next twenty years.

Such a study makes business and environmental sense. Given the recent adoption of the Urban Growth Boundary guidelines, the potential for energy efficient practices, the significant ongoing planning efforts of local governments and the desire expressed by Franklin and Williamson County governing bodies, TVA and MTEMC have an unprecedented opportunity to create a plan for electrical transmission infrastructure that will complement and enhance growth in Williamson County.

Consistent with the recommendations of MTEMC, we urge TVA to forego an EA level of analysis for the Project and to immediately turn to an EIS. We remain available for consultation on this issue at your convenience.

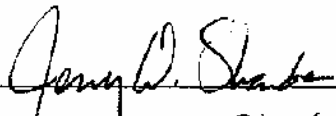
Respectfully submitted,

[SIGNATURES APPEAR ON FOLLOWING PAGE]


October 28, 2002, Joint Letter from the City of Franklin, Tennessee, the Heritage Foundation of Franklin and Williamson Counties, Tennessee, the Harpeth River Watershed Association, and the Southern Alliance for Clean Energy, Page 8 of 8

Board of Directors
Tennessee Valley Authority
October 28, 2002
Page 8

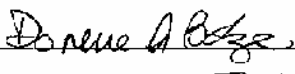
CITY OF FRANKLIN, TENNESSEE

By: 
Print Name: Jerry Sharber
Title: Mayor

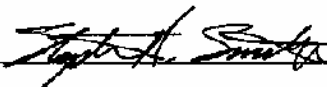
HERITAGE FOUNDATION OF FRANKLIN
& WILLIAMSON COUNTY, TENNESSEE

By: 
Print Name: Mary Pearce
Title: Executive Director

HARPETH RIVER WATERSHED
ASSOCIATION

By: 
Print Name: Dorene Bobbe
Title: Executive Director

SOUTHERN ALLIANCE FOR CLEAN
ENERGY

By: 
Print Name: Stephen A. Smith
Title: Executive Director

Enclosures As Stated

cc: Kathryn J. Jackson, Executive Vice President, River Systems Operations & Environment
Terry Boston, Executive Vice President, Transmission & Power Supply